

**CALENDAR ITEM
C56**

A 13

02/20/15

S 7

PRC 6472.1

D. Jones

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Roger H. Stevens

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Sheep Slough adjacent to Dutra Island near the city of Oakley, Contra Costa County.

AUTHORIZED USE:

Use and maintenance of three existing pilings.

LEASE TERM:

10 years, beginning February 20, 2015.

CONSIDERATION:

\$125 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On February 25, 1993, the Commission issued a 10-year General Permit – Residential and Recreational Use to Darel Stevens. The authorized uses included residential use involving portions of a porch, patio and gazebo and recreational use of a pier, platform, walkway, boat dock, and pilings. The lease expired on May 31, 2003. Since the expiration of the lease, Commission staff continued to contact the owner to enter into a new lease; however, an application was not received until April 13, 2011, from Darel Stevens's son, Roger H. Stevens. On September 3, 1999, Darel Stevens quitclaimed his interest in the property to Roger H. Stevens. The annual rent has been paid since the expiration of the lease. The applicant is now applying for a General Lease – Recreational Use.

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3. During the application process, it was revealed that all of the facilities had washed away except the three existing pilings which were previously authorized by the Commission. Staff is recommending that the existing facilities be brought under lease.
4. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Land Description
- B. Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to Roger H. Stevens beginning February 20, 2015, for a term of 10 years, for the use

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and maintenance of three existing pilings previously authorized by the Commission as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration: \$125 per year, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 6472.1

LAND DESCRIPTION

A parcel of submerged land situate in the bed of Sheep Slough, lying adjacent to Swamp and Overflowed Land Survey 107 patented May 9, 1872, County of Contra Costa, State of California and more particularly described as follows:

PARCELS 1 thru 3

All those lands underlying three (3) existing pilings lying adjacent to and east of that parcel of land as described in "Exhibit A" of that Individual Quitclaim Deed, recorded September 15, 1999 in Document Number 1999-0247620-00 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

PREPARED 9/12/14 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



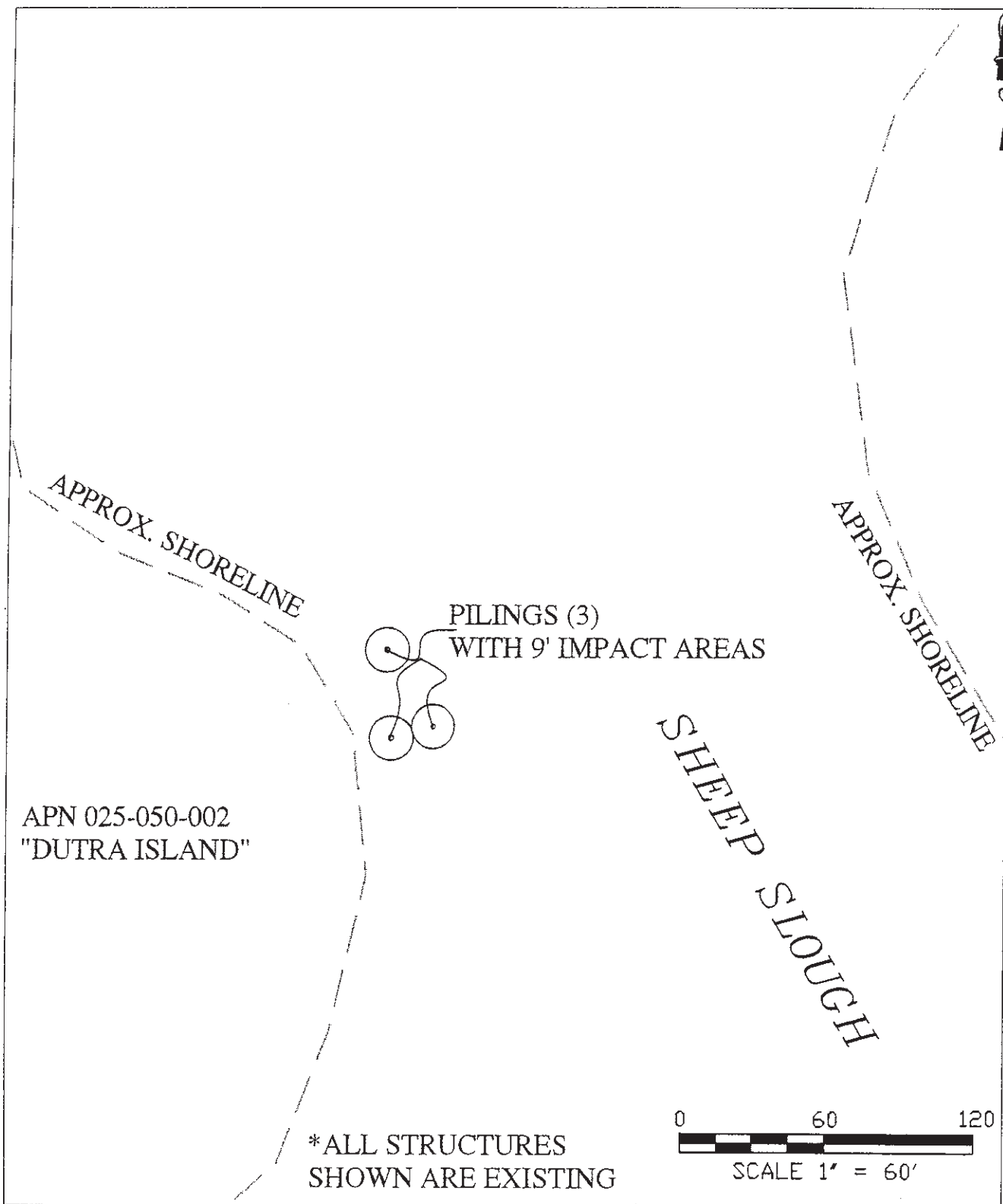


EXHIBIT A

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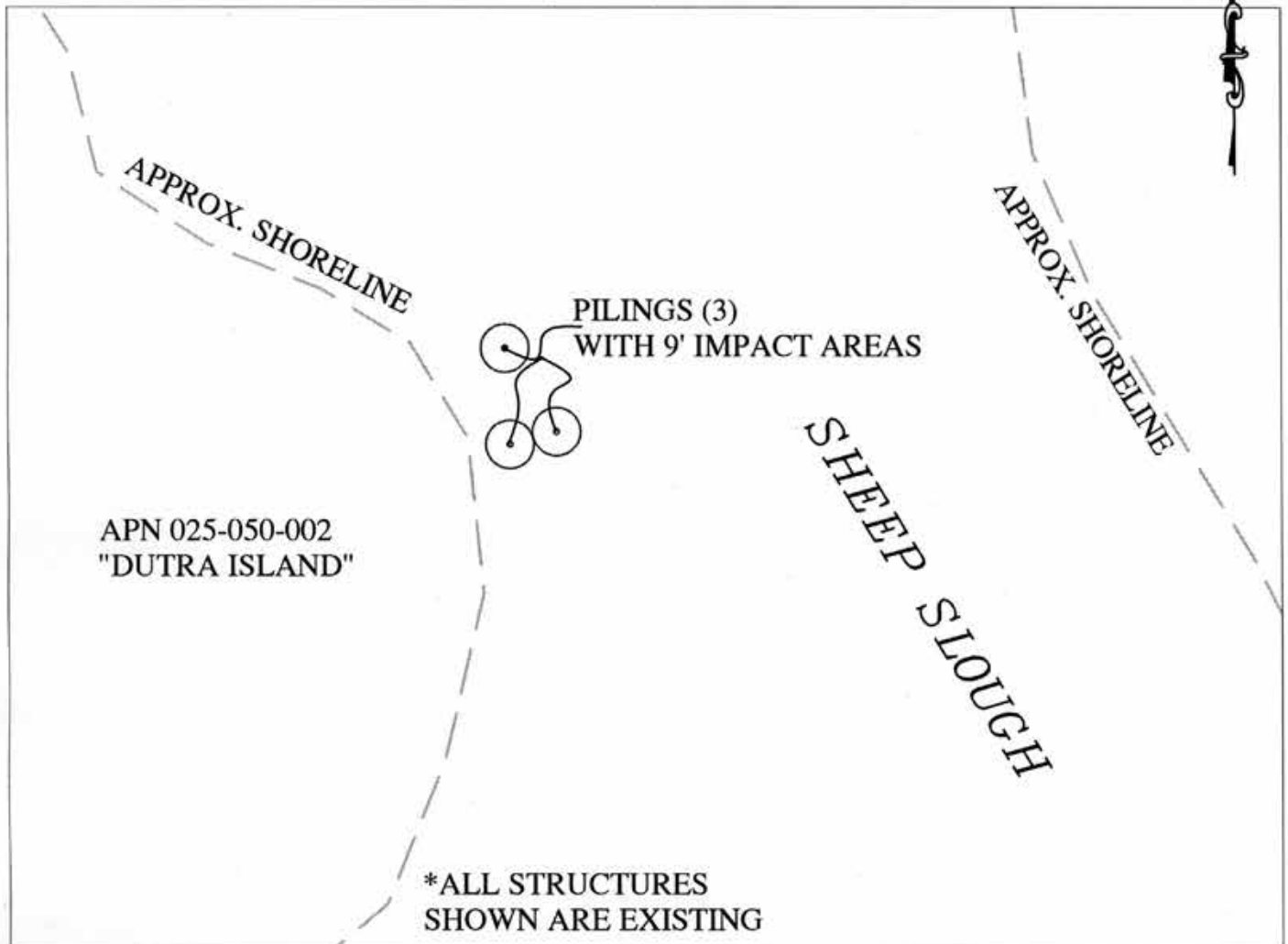
LAND DESCRIPTION PLAT
PRC 6472.1, STEVENS
CONTRA COSTA COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



Dutra Island, Sheep Slough

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 6472.1

STEVENS

APN 025-050-002

GENERAL LEASE -
RECREATIONAL USE

CONTRA COSTA COUNTY



MJF 1/05/15